

REMARKS

Reconsideration and the timely allowance of the pending claims, in view of the following remarks, are respectfully requested.

By this Amendment, applicant has presented new claims 17-20 and canceled claims 13-16 "as being directed to a non-elected invention," in the words of the Office Action. Accordingly, claims 2-12 and 17-20 are currently pending, of which claims 10, 11, 17 and 19 are independent. No new matter has been added.

Rejection Under 35 U.S.C. § 102

Claims 8-12 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Pat. No. 5,499,421 to Brice ("the '421 patent"). Applicant respectfully traverses the rejection.

Applicant's independent claim 10, for example, calls for a toothbrush including: a handle; necks coupled to the handle; bristle supports coupled to the necks; and bristles coupled to the bristle supports, wherein a resiliency, flexibility and bending resistance of the claimed necks are set depending upon both (i) a brushing force and (ii) a stiffness of the claimed bristles.

In comparison, the Examiner particularly directed applicant's attention to col. 3, lines 29-35 of the '421 patent that merely describes "brushing heads." ('421 patent, col. 3, lines 44-47).

Applicant respectfully submits that the Examiner has, once again, misread the '421 patent, because the '421 patent does not disclose (expressly or inherently) **the resiliency, flexibility and bending resistance** of the claimed necks. In short, the '421 patent fails to disclose the claimed combinations (e.g., of independent claims 10 and 11).

Applicant respectfully submits, at least for the reasons discussed above, that independent claims 10 and 11 are not anticipated by the '421 patent and are in condition for allowance. Withdrawal of the rejection is respectfully requested. Their dependent claims are also in condition for allowance, at least for reasons of their dependencies and for additional features recited therein.

Rejection Under 35 U.S.C. § 103

Claims 2-7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the '421 patent in view of U.S. Pat. No. 5,875,510 to Lamond et al. ("the '510 patent"). Applicant respectfully traverses the rejection. Claims 2-7 are depended upon independent claim 10. As noted above, independent claim 10 has been shown to be allowable. As such, applicant respectfully requests that the rejection of claims 2-7 under 35 U.S.C. § 103(a) be withdrawn. Claims 2-7 are allowable for reasons of their dependencies, as well as their additional limitations.

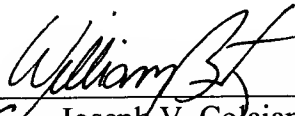
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Conclusion

In view of the above, the claims are believed to be in form for allowance, and such an action is hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, please telephone the undersigned at the number below.

Respectfully submitted,

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